

UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

In re:

Case No. 15-58566

RAFIE FRANCIS,

Chapter 7

Debtor.

Judge Thomas J. Tucker

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**ORDER DECLINING TO APPROVE “STIPULATION TO ALLOW ENTRY OF  
ORDER TO EXTEND THE DEADLINE TO CLOSE THE COURT FILE FOR PURPOSE  
OF ENTERING REAFFIRMATION AGREEMENTS”**

This case is before the Court on a stipulation between the Chapter 7 Trustee and the Debtor, filed on March 24, 2016, entitled “Stipulation to Allow Entry of Order to Extend the Deadline to Close the Court File for Purpose of Entering Reaffirmation Agreements” (Docket # 15, the “Stipulation”). The Stipulation seeks entry of a proposed order attached to the Stipulation, extending “the deadline to close the Court file case” until April 14, 2016. The Court construes this to mean that the Debtor wants an order delaying the closing of this case until at least April 14, 2016, so that the Debtor may enter into reaffirmation agreements.

The Court will decline to approve the Stipulation and decline to enter the proposed order for the following reasons.

Under 11 U.S.C. § 524(c)(1), a reaffirmation agreement is not enforceable unless it “was made before the granting of the discharge under section 727.” *See also In re Herrera*, 380 B.R. 446, 449-55 (Bankr. W.D. Texas 2007) and cases cited therein. Debtor filed his voluntary petition for relief under Chapter 7 in this case on December 28, 2015. The date first set for the § 341(a) meeting of creditors was January 20, 2016 (Docket # 7). On March 22, 2016, the Court entered an order granting Debtor a discharge under 11 U.S.C. § 727 (Docket # 14).

The deadline to file a reaffirmation agreement is established by Fed.R.Bankr.P. 4008(a) — the deadline is “no later than 60 days after the date first set for the meeting of creditors under § 341(a) of the Code.” In this case, the deadline was March 21, 2016 (60 days after the date first set for the § 341(a) meeting of creditors, *see* Fed.R.Bankr.P. 4004(a), which was Sunday, March 20, 2016, delayed until Monday, March 21, 2016 under Fed.R.Bankr.P. 9006(a)(1)(C)). Rule 4008(a) also provides that the Court may “at any time and in its discretion,” extend this deadline. But this rule and Fed.R.Bankr.P. 4004(c)(1)(J) contemplate that such a motion to extend can only be granted if the discharge has not yet been granted. *See* Fed.R.Bankr.P. 4008 advisory committee notes to 2008 Amendments (“Rule 4004(c)(1)(J) accommodates . . . an extension [of time for filing a reaffirmation agreement] by providing for a delay in the entry of discharge during the pendency of a motion to extend the time for filing a reaffirmation agreement.”).

In this case, it appears that no reaffirmation agreement between the Debtor and any

creditor was made before the Debtor was granted a discharge. As a result, there can be no enforceable reaffirmation agreement between the Debtor and any creditor. Therefore, no purpose would be served by approving the Stipulation or keeping this case open.

For these reasons,

IT IS ORDERED that the Court declines to approve the Stipulation (Docket # 15), and declines to enter the proposed order attached to the Stipulation. Debtor's request to delay the closing of this case is denied, and the case has been closed today.

**Signed on March 25, 2016**

/s/ **Thomas J. Tucker**

**Thomas J. Tucker**

**United States Bankruptcy Judge**